

IN THE CIRCUIT COURT OF FRANKLIN COUNTY, ARKANSAS  
FOR THE FIFTH JUDICIAL DISTRICT AT OZARK

FILED  
FOR RECORD  
RECORDS BOOK PAGE

DOUGLAS WALKER,

Plaintiff,

vs.

MEHMOOD KHAN and  
SINDHI TRUCKING, INC.,

Defendants.

2017 SEP 28 AM 10 53  
Docket No.: 2400-57-117  
Div. IV  
JURY DEMANDED EX OFFICIO RECORDER  
BY \_\_\_\_\_ D.C.

COMPLAINT FOR AUTOMOBILE NEGLIGENCE

COMES NOW the Plaintiff, Douglas Walker ("Plaintiff"), by and through counsel, and files this Complaint against the Defendants, MEHMOOD KHAN and SINDHI TRUCKING, Inc., for personal injuries and damages and would respectfully state unto this Honorable Court the following to wit:

PARTIES

1. The Plaintiff, Douglas Walker is an adult resident of Callahan, Nassau County, Florida.
2. Upon information and belief, Defendant, Mehmood Khan ("Defendant Khan") is an adult resident of Woodbridge, San Joaquin County, who may be served with process at 418 Lasalle Drive, Woodbridge, CA 95258.
3. Upon information and belief, the Defendant, Sindhi Trucking, Inc., ("Defendant Sindhi Trucking, Inc.") conducts business in Illinois, whose principle business address is 6001 Sanders Court, Carpentersville, IL 60110.
4. Upon information and belief, the Defendant, Sindhi Trucking, Inc., may be served with process through its Registered Agent, Sukhvir S. Uppal, 6001 Sanders Court,

EXHIBIT

A

Carpentersville, IL 60110.

5. Plaintiff's cause of action arises in tort, as a result of injuries sustained due to the negligent operation of a motor vehicle driven by the Defendant, Mehmood Khan, in Ozark, Franklin County, Arkansas on or about January 11, 2015 while on or about the business of the codefendant.

#### **JURISDICTION AND VENUE**

6. All events which form the basis of this Complaint occurred in Ozark, Franklin County, Arkansas.
7. Venue is properly situated in Franklin County, Arkansas.
8. This Court has jurisdiction over the parties to this litigation.
9. This Court has jurisdiction over the subject matter of this litigation.

#### **FACTS**

10. On or about January 11, 2015, Plaintiff, Douglas Walker, was a passenger in a 2013 Freightliner Tractor Truck, which was stopped, due to a collision ahead, in the right lane westbound on Interstate 40.
11. At the same time, Mehmood Khan, who was operating a 2010 Freightliner, owned by Sindhi Trucking, Inc., traveling westbound on Interstate 40 in the left lane.
12. Suddenly and without warning, Defendant Khan carelessly slid on the ice covered surface of the roadway traveling northwest; side swiped the left side of another vehicle, continued to travel southwest from this collision, then striking left rear trailer of Plaintiff's vehicle.
13. As a result of the crash, the Plaintiff sustained serious injuries, including, but not limited

to, fractured nasal bone, back sprain, cervical strain, low back strain, abdominal wall strain and multiple contusions.

14. Upon information and belief, Defendant Khan was an employee/agent of and on or about the business of Sindhi Trucking, Inc., when the collision occurred, and Plaintiff hereby relies on the doctrine of *respondent superior*.

**CAUSE OF ACTION  
NEGLIGENCE**

15. Plaintiff reincorporates paragraphs 1-14 as though set forth herein verbatim.
16. Defendant Mehmood Khan acted with less than and/or failed to act with ordinary and reasonable care in the operation of the 2010 Freightliner Tractor Truck owned by Sindhi Trucking, Inc.
17. Plaintiff relies upon the doctrine of agency, respondent superior, and negligent entrustment, and avers that Defendant Sindhi Trucking, Inc. is liable for the negligence of Defendant Khan.
18. Defendant, Mehmood Khan and Sindhi Trucking, Inc., are guilty of the following acts of common law negligence, which are the direct and proximate cause of the injuries complained of herein, to wit:

- a. Negligent in failing to use that degree of care and caution in the operation of his vehicle as is required of a reasonable and prudent person under the same or similar circumstances existing at the time and place of the collision;
- b. Negligent in failing to maintain a proper look out for other vehicles;

- c. Negligent in failing to keep his vehicle under proper control;
- d. Negligent in failing to warn the Plaintiff;
- e. Negligent in failing to devote his full time and attention to the operation of his vehicle;
- f. Negligent in failing to bring and/or keep the vehicle he was operating under proper control when he saw or should have seen, in the exercise of reasonable care, that a collision was imminent; and
- g. Negligent in failing to prevent the accident and resulting injuries of the Plaintiff when he knew or in the exercise of ordinary care, should have known that a collision was imminent.

19. Said negligence of the Defendants was the proximate cause of the Plaintiff's damages.

**NEGLIGENCE *PER SE***

20. Plaintiffs incorporate paragraphs 1-19 as though set forth herein verbatim.

21. Defendant Khan, is guilty of violating one or more of the following statutes of the State of Arkansas, each and every such statute being in full force and effect at the time and place of the collision complained of, each and every such violation constituting a separate and distinct act of negligence *per se*, and each and every such act constituting a direct and proximate cause of Plaintiff's injuries and damages to-wit:

- a. A.C.A. § 27-51-104. Careless and prohibited driving.
- b. A.C.A. § 27-51-302. Driving on roadways laned for traffic.
- c. A.C.A. § 27-51-305. Following too closely.
- d. A.C.A. § 27-51-306. Overtaking of vehicle on left.

22. Upon information and belief, Defendant Khan was operating the 2010 Freightliner Tractor Truck on behalf of or with the permission of Defendant Sindhi Trucking, Inc.
23. Defendant Sindhi Trucking, Inc. is vicariously liable for the negligent acts and/or omissions of Defendant Khan.
24. As a direct and proximate result of the Defendants' negligence, Plaintiff suffered significant and serious injuries, which would not have otherwise occurred.
25. The above-referenced acts of negligence of the Defendants were the cause in fact and proximate cause of the violent collision, which resulted in the Plaintiff suffering significant physical and emotional injuries and damages.

#### **COMPENSATORY DAMAGES**

26. Plaintiff incorporates paragraphs 1-25 as though set forth herein verbatim.
27. As direct and proximate result of the negligence of the Defendants, Plaintiff suffered the following injuries and damages:
  - a. Severe and permanent injury, caused, precipitated and/or aggravated by the wrongs complained of herein;
  - b. Great fright and shock;
  - c. Great physical pain and suffering, both past and future;
  - d. Great mental and emotional anguish, both past and future;
  - f. Past lost wages;
  - g. Medical expenses, both past and future; and
  - h. Inability to enjoy the normal pleasures of life, both past and future.

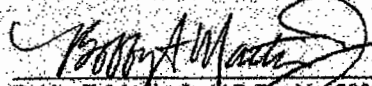
**RELIEF SOUGHT**

WHEREFORE, PREMISES CONSIDERED, Plaintiff, respectfully prays:

1. That the Plaintiff be awarded the present cash value of any medical care and treatment that Plaintiff may have to undergo in the future;
2. That the Plaintiff be awarded special damages for medical, hospital and doctors expenses incurred, according to the proof;
3. That the Plaintiff be awarded compensatory damages in the amount of no less than Three Hundred Thousand and no/100ths Dollars (\$300,000.00);
4. That the Plaintiff be awarded post-judgment interest as allowed by law;
5. That a jury be empanelled to try the issues, which are joined; and
6. Such further relief as the Court may deem just and equitable.

Respectfully submitted,

**MORGAN & MORGAN - MEMPHIS, LLC**



Bobby F. Martin, Jr. (AR Bar No. 2008111)  
Attorney for the Plaintiff

One Commerce Square, Suite 2600  
40 S. Main Street

Memphis, Tennessee 38103

Direct dial: (901) 333-1849

Direct fax: (901) 524-1767

[bmartin@forthepeople.com](mailto:bmartin@forthepeople.com)

10/3/2017

Docket Report Results - Not an Official Document

**Docket Report Results**

5		DEFENDANT	14914655	SINDHI TRUCKING, INC.
			Aliases:	none
4		PLAINTIFF/PETITIONER ATTORNEY	8104837	MARTIN, JR., BOBBY F.
			Aliases:	none
3		DEFENDANT	14914611	KHAN, MEHMOOD
			Aliases:	none

**Violations****Sentence**

No Sentence Info Found.

**Milestone Tracks**

No Milestone Tracks found.

**Docket Entries**

[▶ Search Home](#)
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[▶ Case Description](#)
[▶ Event Schedule](#)  
[▶ Case Parties](#)
[▶ Violations](#)
[▶ Milestone Tracking](#)
[▶ Docket Entries](#)

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THE CIRCUIT COURT OF FRANKLIN COUNTY, ARKANSAS

CIVIL DIVISION [Civil, Probate, etc.]

DOUGLAS WALKER

Plaintiff

v.

No. 240CW-17-117  
Div. IV

MEHMOOD KHAN and SINDHI TRUCKING, INC.

Defendant

SUMMONS

THE STATE OF ARKANSAS TO DEFENDANT:

SINDHI TRUCKING, INC.

[Defendant's name and address.]

SERVE VIA REGISTERED AGENT: SUKHVIR S. UPPAL

6001 SANDERS COURT

CARPENTERSVILLE, IL 60110

A lawsuit has been filed against you. The relief demanded is stated in the attached complaint. Within 30 days after service of this summons on you (not counting the day you received it) — or 60 days if you are incarcerated in any jail, penitentiary, or other correctional facility in Arkansas — you must file with the clerk of this court a written answer to the complaint or a motion under Rule 12 of the Arkansas Rules of Civil Procedure.

The answer or motion must also be served on the plaintiff or plaintiff's attorney, whose name and address are: BOBBY F. MARTIN, JR., MORGAN & MORGAN- MEMPHIS, ONE COMMERCE SQUARE, SUITE 2600, MEMPHIS, TN 38103.

If you fail to respond within the applicable time period, judgment by default may be entered against you for the relief demanded in the complaint.

Address of Clerk's Office

JANICE KING  
CIRCUIT CLERK  
FRANKLIN COUNTY  
P.O. BOX 1112  
OZARK, AR 72949



CLERK OF COURT

JANICE KING - CIRCUIT CLERK

[Signature]

[Signature of Clerk or Deputy Clerk]

[SEAL]

Date: 9-28-17

No. \_\_\_\_\_ This summons is for SINDHI TRUCKING, INC. (name of Defendant).

**PROOF OF SERVICE**

☐ I personally delivered the summons and complaint to the individual at \_\_\_\_\_  
[place] on \_\_\_\_\_ [date]; or

☐ I left the summons and complaint in the proximity of the individual by \_\_\_\_\_  
after he/she refused to receive it when I offered it to him/her; or

☐ I left the summons and complaint at the individual's dwelling house or usual place of abode at  
[address] with [name], a person at least 14 years  
of age who resides there, on \_\_\_\_\_ [date]; or

☐ I delivered the summons and complaint to \_\_\_\_\_ [name of individual], an agent  
authorized by appointment or by law to receive service of summons on behalf of  
[name of defendant] on \_\_\_\_\_ [date]; or

☐ I am the plaintiff or an attorney of record for the plaintiff in this lawsuit, and I served the summons  
and complaint on the defendant by certified mail, return receipt requested, restricted delivery, as  
shown by the attached signed return receipt.

☐ I am the plaintiff or an attorney of record for the plaintiff in this lawsuit, and I mailed a copy of the  
summons and complaint by first-class mail to the defendant together with two copies of a notice and  
acknowledgment and received the attached notice and acknowledgment form within twenty days after  
the date of mailing.

☐ Other [specify]: \_\_\_\_\_

☐ I was unable to execute service because: \_\_\_\_\_  
\_\_\_\_\_

My fee is \$ \_\_\_\_\_.

To be completed if service is by a sheriff or deputy sheriff:

Date: \_\_\_\_\_

SHERIFF OF \_\_\_\_\_ COUNTY, ARKANSAS

By: \_\_\_\_\_

[Signature of server]

\_\_\_\_\_  
[Printed name, title, and badge number]

To be completed if service is by a person other than a sheriff or deputy sheriff:

Date: \_\_\_\_\_

By: \_\_\_\_\_

[Signature of server]

\_\_\_\_\_  
[Printed name]

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Subscribed and sworn to before me this date: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

Additional information regarding service or attempted service:

\_\_\_\_\_  
\_\_\_\_\_

THE CIRCUIT COURT OF FRANKLIN COUNTY, ARKANSAS

CIVIL DIVISION [Civil, Probate, etc.]

DOUGLAS WALKER

Plaintiff

v.

No. 246CV-17-117  
Div. IV

MEHMOOD KHAN and SINDHI TRUCKING, INC.

Defendant

SUMMONS

THE STATE OF ARKANSAS TO DEFENDANT:

MEHMOOD KHAN

[Defendant's name and address.]

418 LASALLE DRIVE

WOODBIDGE, CA 95258

A lawsuit has been filed against you. The relief demanded is stated in the attached complaint. Within 30 days after service of this summons on you (not counting the day you received it) — or 60 days if you are incarcerated in any jail, penitentiary, or other correctional facility in Arkansas — you must file with the clerk of this court a written answer to the complaint or a motion under Rule 12 of the Arkansas Rules of Civil Procedure.

The answer or motion must also be served on the plaintiff or plaintiff's attorney, whose name and address are: BOBBY F. MARTIN, JR., MORGAN & MORGAN- MEMPHIS, ONE COMMERCE SQUARE, SUITE 2600, MEMPHIS, TN 38103.

If you fail to respond within the applicable time period, judgment by default may be entered against you for the relief demanded in the complaint.

CLERK OF COURT

Address of Clerk's Office

JANICE KING

CIRCUIT CLERK  
FRANKLIN COUNTY  
P.O. BOX 1112  
OSARK, AR 72949



JANICE KING - CIRCUIT CLERK

Kate Beward, DC

[Signature of Clerk or Deputy Clerk]

[SEAL]

Date: 9.28.17

No. \_\_\_\_\_ This summons is for **MEHMOOD KHAN** (name of Defendant).

**PROOF OF SERVICE**

- ☐ I personally delivered the summons and complaint to the individual at \_\_\_\_\_  
\_\_\_\_\_ [place] on \_\_\_\_\_ [date]; or
- ☐ I left the summons and complaint in the proximity of the individual by \_\_\_\_\_  
\_\_\_\_\_ after he/she refused to receive it when I offered it to him/her; or
- ☐ I left the summons and complaint at the individual's dwelling house or usual place of abode at  
\_\_\_\_\_ [address] with \_\_\_\_\_ [name], a person at least 14 years  
of age who resides there, on \_\_\_\_\_ [date]; or
- ☐ I delivered the summons and complaint to \_\_\_\_\_ [name of individual], an agent  
authorized by appointment or by law to receive service of summons on behalf of  
\_\_\_\_\_ [name of defendant] on \_\_\_\_\_ [date]; or
- ☐ I am the plaintiff or an attorney of record for the plaintiff in this lawsuit, and I served the summons  
and complaint on the defendant by certified mail, return receipt requested, restricted delivery, as  
shown by the attached signed return receipt.
- ☐ I am the plaintiff or an attorney of record for the plaintiff in this lawsuit, and I mailed a copy of the  
summons and complaint by first-class mail to the defendant together with two copies of a notice and  
acknowledgment and received the attached notice and acknowledgment form within twenty days after  
the date of mailing.
- ☐ Other (specify): \_\_\_\_\_
- ☐ I was unable to execute service because: \_\_\_\_\_  
\_\_\_\_\_

My fee is \$ \_\_\_\_\_.

To be completed if service is by a sheriff or deputy sheriff:

Date: \_\_\_\_\_

SHERIFF OF \_\_\_\_\_ COUNTY, ARKANSAS

By: \_\_\_\_\_

[Signature of server]

\_\_\_\_\_  
[Printed name, title, and badge number]

To be completed if service is by a person other than a sheriff or deputy sheriff:

Date: \_\_\_\_\_

By: \_\_\_\_\_

[Signature of server]

\_\_\_\_\_  
[Printed name]

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Subscribed and sworn to before me this date: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

Additional information regarding service or attempted service:

\_\_\_\_\_  
\_\_\_\_\_